

BAR BULLETIN

PUBLISHED BY THE LOS ANGELES BAR ASSOCIATION

LEADING ARTICLES



Retiring President's Report - - - - -

Proposed Amendment to Constitution -

Junior Barristers Elect Officers - - -

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Vol. 14

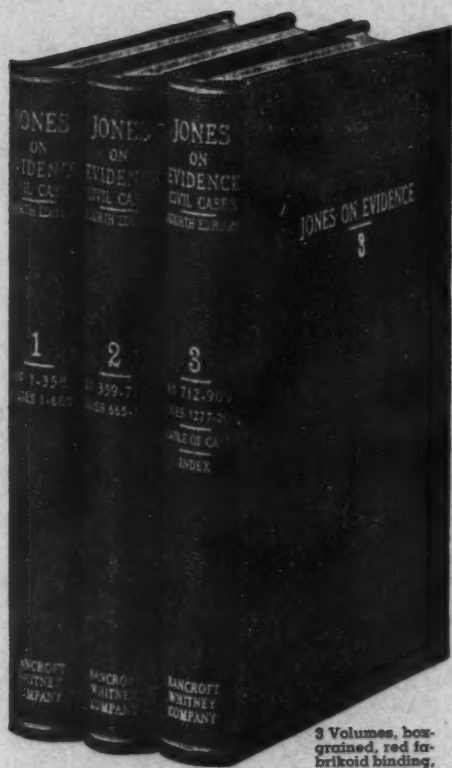
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No. 6

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BAR BULLETIN

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VOL. 14

FEBRUARY, 1939

No. 6

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RETIRING PRESIDENT FRANK BELCHER MAKES INSPIRING REPORT FOR 1938

*To the Officers, Board of Trustees and Members of the
Los Angeles Bar Association:*

IN conformity with the precedent established one year ago by the then retiring President of this Association, Loyd Wright, I wish to make a brief report of the affairs of the Association through the medium of THE BULLETIN.

In all probability, very few of the members of this Association have a full conception of the variety and extent of Association activities and the amount of time and energy devoted to their promotion. To carry on these various activities and to discharge properly the business of the Association, would have been an impossibility were it not for the unstinting and whole-hearted co-operation of the officers, members of the board of trustees, the committees, and the membership. I have had such cooperation to the fullest extent, and desire here to express my appreciation to the many fine responses for service which I have received during the past year. Be it to the credit of our entire membership that few requests to render service to the Bench or Bar have been declined, and then only for the best of reasons.

Ours is a particularly active Association—probably the most active local Bar Association in the United States. We note with considerable pride that bar association publications throughout the United States frequently make reference to the extended activities and fine service engaged in and rendered by this Association.

Our relations with the affiliated associations have been most cordial, and, I believe, better coordinated than in the past. More work remains to be done in this connection.

MEMBERSHIP

The past year showed a modest increase in the number of members, and this without a campaign for increased membership. This is most gratifying in view of the facts that the legal profession, as a whole, may not be said to be in a prosperous condition and there are more competing associations of lawyers than ever before.

Without in anywise impugning the motives or purposes of other bar organizations, I cannot help but express my regret that there are so many in number. The existence in this locality of so many different Bar organizations leads on occasions, to the expression of divergent views on matters of public interest, with the result of a lack of harmony in matters on which, in my opinion, the Bar should present a united front. I have not the least desire to take away from any member of the legal profession, or any group, the right to give full expression to their views and to contend for that which they feel is right, and to oppose that which they feel is wrong. However, I do have the conviction that, in those matters on which the Bar should take a stand, the debating should be done within our own ranks and the final conclusion presented as the composite view of the Bar. If this were done, the sphere of influence of the Bar would be greatly widened.

FINANCES

Without attempting to make a detailed financial report, may it suffice to say that the revenue of the Association during the past year was sufficient to carry on its activities except for one appeal which we made to the membership in connection with the plebiscite conducted for the Superior Court election of 1938. Such plebiscites entail a considerable expense, but I feel it is more than warranted. It is to be regretted that while our plebiscites cover the entire Bench and Bar of the County of Los Angeles, the expense falls on the members of this Association alone.

ADMINISTRATION

There are probably few offices in the City of Los Angeles which are busier than the offices of this Association. During the course of the past year, incoming and outgoing telephone calls numbered approximately 40,000, while personal letters (exclusive of notices and communications to the entire membership) numbered in the neighborhood of 7,000.

From February 15, 1938, to February 6, 1939, there were 104 committee meetings called through the offices of the association. This does not include committee meetings which were called directly by the chairman or secretary of the individual committees. During the same period of time, there have been eighty monthly dinner meetings, eighteen bi-weekly luncheon meetings, and forty-five meetings of the Board of Trustees.

It would unduly extend this report to make reference to all of the committee reports, plebiscite and election ballots, and other matters which flow through the offices.

No President of this association can turn the gavel over to his successor without a most profound feeling of gratitude to our Executive Secretary, Louis Elkins, and his assistants who operate the offices of the Association. Their efficiency, courtesy and loyalty is above and beyond the call of ordinary employment. In Louis Elkins we have one of the most conscientious and efficient co-workers it has ever been my lot to meet. No officer or member evidences a greater devotion to its welfare than does our Executive Secretary.

ACTIVITIES

I shall here list only a few of the activities of the association. To cover them all would require too much space.

1. **THE BULLETIN.** The association publishes and distributes to its membership and to an ever-growing request list, an excellent publication. The merits of *THE BULLETIN* do not need to be detailed here. It is largely self-sustaining, due to the efforts of our Bulletin Committee in securing dignified and appropriate advertising for its pages. I shall mention few names in this report, but must pay my compliments to Ewell Moore for his long and faithful service in bringing our publication to its present high standard.

2. **DISTRICT COURT RULES.** Early in my year I received a request from the Hon. Wm. P. James, Senior Judge of the District Court of the United States, for the Southern District of California, to have this association assist the court in making a complete revision of the court rules in order that they might conform to the rules of Civil Procedure promulgated by the Supreme Court of the United States. Recognizing that one of the most important functions of the association is to be of assistance to the bench, I was happy to appoint a committee from our membership composed of Alexander Macdonald, Reuben G. Hunt, Clarence M. Hanson, Clyde Thomas, Henry Prince, and Lewis M. Andrews, to undertake this extended labor. It is gratifying to know that the order of the court promulgating the new rules expressed a grateful appreciation for the services of this committee.

3. **BI-WEEKLY LUNCHEON MEETINGS.** Under the able leadership of Harry J. McClean, David Tannenbaum, and Maurice Saeta, the bi-weekly luncheon meetings have grown in importance and interest to the membership. I earnestly urge upon the members to note this activity and to attend these meetings when the subject covered is one of particular interest to them. Watch the legal publications for notices of these meetings. In each instance the speaker has been one well qualified to deal with the particular subject. I mention here only a few of the subjects covered for the purpose of showing their timely interest:

- "Some Interesting Aspects in the Trial of a Negligence Case";
- "Special Problems Relating to the Pleadings in a Libel Suit";
- "The Capital Gains and Losses Provisions of the 1938 Revenue Act";
- "How Long Should a Trust Last";
- "Some Topical Suggestions Concerning Inheritance Tax Procedure";
- "Fair Labor Standards Act of 1938";
- "Case Law Under the Wagner Act."

4. **LAW COURSES.** A large number of the members of the association, and also non-members, have taken the series of lecture courses, commenced on February 8, 1938. Perhaps no activity has received as much commendation as this particular one. Repeated requests are being received from other associations throughout the country for information as to our method of operation and a number of other associations have undertaken similar instructions. This activity has been self-supporting.

We owe a debt of gratitude to the members of the Bench and Bar who have given so unselfishly of their time and talents to the preparation of the lectures which have been given. The syllabus sheets issued in connection with these lectures are exhaustive of the particular subjects and a fine addition to any office.

I cannot pass this particular activity without an expression of appreciation to J. C. Macfarland and the members of his committee for the able manner in which this activity has been conducted.

5. JUDICIAL INDEPENDENCE. During the course of the past year, our Committee on Judicial Independence prosecuted several contempt proceedings. It should be recalled that this Committee was originally appointed at the request of the then presiding judge of the Superior Court for the purpose of attempting to free the court from the recurring attempts to exercise extra-judicial influence and improper persuasion in connection with pending matters. Due to the fact that some of these prosecutions are now pending on appeal, I am not at liberty to discuss them at this time. I express the conviction, however, that the activities of this committee have been productive of great good and further express the hope that its arduous labors will be less in the future. The conclusion is irresistible that courts have been relieved of a great deal of the improper pressure which was being exerted and that the independence of our judiciary has been largely restored.

This subject cannot be passed without making acknowledgment to Allen Ashburn, Arnold Praeger, Michael G. Luddy and Isaac Pacht for their extended labors and valuable services rendered in furthering the work of this committee.

6. COURTROOM PHOTOGRAPHY. In the June issue of THE BULLETIN there appeared an extended article dealing with the activities of the association in seeking to secure conformity with the American Bar Association canon of judicial ethics declaring against the taking of photographs in courtrooms. The State Bar of California and the Los Angeles Bar Association adopted resolutions condemning the taking of such photographs. Conferences with representatives of the Press failed to develop a common ground upon which we could meet. This Association thereupon endeavored to have the Judicial Council of the State of California promulgate a rule governing the matter. After a hearing, a statement was issued by the Council which reads as follows:

"It having been made to appear to the Judicial Council of the State of California that the practice of taking photographs in court rooms during trials is being abused to the detriment of litigants and to the discredit of the courts generally, and the Council having been requested to adopt a rule prohibiting such practice, it is declared to be the sense of the Council that such a rule is unnecessary because the subject is covered by the resolution of the California State Bar in harmony with section 35 of the Canons of Judicial Ethics of the American Bar Association.

"The Council is further of the view that observance of the principles therein contained is essential to the proper and orderly administration of justice, and to the guaranty of a fair and impartial trial for all parties concerned."

Since the issuance of this statement by the Judicial Council, the canon of judicial ethics has been violated only infrequently. I feel that the bench generally is now happy to comply with the canon in question, thereby immeasurably contributing to the proper dignity of court proceedings.

The activities of the association in this respect, and in connection with certain contempt proceedings served to cause the metropolitan newspapers to level some unwarranted attacks against the association. We have been ac-

cused of endeavoring to stifle free speech and abolish freedom of the press. Nothing could be farther from the fact. The position which we actually took being impregnable, the newspapers sought to put us in a false position in order to make us vulnerable. This attempt is still being continued.

During the past year I have availed myself of repeated opportunities to state to a large number of organizations the attitude of this association in connection with the contempt proceedings and the matter of courtroom photographs. As a result I have received from innumerable sources the highest commendation of the Bar Association for the action which it has taken. In only one instance at any of these meetings did any individual express disagreement with our attitude. He was a candidate for public office at the time and I feel was seeking newspaper publicity, which, of course, he received.

The existence of this situation makes it necessary for every member of this association to avail himself or herself of every opportunity to explain privately and publicly that the Bar Association is not opposed to freedom of speech or freedom of the press, and does not condemn a fair report of judicial proceedings—that it is seeking to uphold the dignity of trials and the independence of the judiciary, and that alone; that conversely stated, the newspapers are seeking to break down courtroom dignity by snapping cameras, and to destroy judicial independence by their expressions upon the merits of pending matters.

7. RADIO BROADCASTS. Weekly during the past year a committee of this association has conducted broadcasts over radio station KFAC at 6:45 P. M. on Saturday evenings.

These broadcasts have been of an informative nature and, I take it, will be continued during the coming year. In the future this time so graciously donated by KFAC will be employed to a considerable extent in explaining activities of the association and in publicizing the views of the bar on judicial independence and kindred subjects. During the past year this activity has been carried on by a committee under the chairmanship of W. T. Davis, the new President of the Junior Barristers. Tom has done a fine work and I am happy to commend him for it.

8. LECTURES AT LOS ANGELES PUBLIC LIBRARY. Each spring for a number of years last past, the association has conducted a series of lectures at the Los Angeles Public Library. These lectures have been well attended, the minimum number usually present being in excess of 225. The subjects covered have been general in character and have dealt with such matters as "Juvenile Courts"; "California State Labor Commission—How and Why It Operates"; and "Public Defender in the Administration of Justice."

9. STANDARD JURY INSTRUCTIONS IN CIVIL CASES. During the past two years, a committee of five members of the association has worked in conjunction with a committee of judges of the Superior Court in standardizing jury instructions to be used in civil cases. This work was recently completed and is now available for use. Doubtless it will be supplemented as time goes on. Experience only will demonstrate the invaluable use of these instructions, not only in the saving of time for the trial lawyer but also in preventing new trials and reversals as a result of hastily prepared instructions. Judge William J. Palmer acted as chairman of the committee and has contributed immeasurably to this fine product.

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COMMITTEES

Space will not permit me to deal with the activities of the various committees. However, in order to give the membership some idea of the extent of our existing committees, I set forth the name and chairman of each committee of the past year:

NAME	CHAIRMAN
Arbitration Committee.....	Louis G. Guernsey
Bulletin Committee.....	Ewell D. Moore
Committee on Corporations.....	Homer D. Crotty
Committee on Criminal Law and Procedure.....	Hon. Chas. W. Fricke
Judiciary Committee.....	Allan G. Ritter
Junior Barristers.....	W. Joseph McFarland
Committee on Law Libraries.....	Glen E. Huntsberger
Committee on Legal Ethics.....	Ward Chapman
Committee on Legislation.....	Warren E. Libby
Membership Committee.....	Chas. L. Nichols
Committee on Pleading and Practice.....	Clifford E. Hughes
Committee on Probate Law and Procedure.....	Florence M. Bischoff
Program Committee.....	Wm. B. Himrod
Committee on Public Defender's List.....	Edward W. Lloyd
Women's Junior Committee.....	Ruth August Bard
Committee on American Citizenship.....	George W. Nilsson
Committee on Aviation.....	Col. W. Jefferson Davis
Committee on Bi-weekly Luncheon Meetings.....	David Tannenbaum
Committee on Civil Service Examiners.....	Jerry Giesler
Committee on Constitutional Rights.....	E. R. Young
Auxiliary Committee on Constitutional Rights.....	E. Avery Cray
Committee on Experienced Lawyer Service.....	Edward A. Penprase
Committee on Fiduciary Accounting.....	Philbrick McCoy
Golf Committee.....	Hiram E. Casey
Committee on Establishment of Court to Settle Industrial Disputes.....	Hugo H. Harris
Committee on Proposed Inebriate Colony Act.....	James S. Bennett
Special Permanent Committee on Judicial Independence.....	Herbert Freston
Committee on Juvenile Court.....	Richard A. Turner
Committee on Lecture Course.....	J. C. Macfarland
Committee on Lectures L. A. Public Library.....	Robert F. Schwarz
Continuing Special Committee on Legal Aid.....	Dora Shaw Heffner
Committee on Cooperation with Association of Life Underwriters.....	Orville N. Normandin
Committee on Parole Reform.....	Hon. Thos. L. Ambrose
Publicity Committee.....	George Keefer
Committee on Radio Broadcasts.....	William Thomas Davis
Speakers Committee.....	Harry J. McClean
Special Continuing Committee on Selection of Judges.....	Alexander Macdonald
Committee on Revision of Rules, United States District Courts.....	Alexander Macdonald
Jinks Committee.....	Robert E. Ford

Under the able leadership of the several chairmen of these committees, the work of the association has been carried on expeditiously and efficiently. To the chairmen and members of these committees I desire to express my very great appreciation for their services and the highest commendation for their con-

tributions to the accomplishments of the association. It is a matter of sincere regret that further and a more complete acknowledgment cannot be made.

Perhaps particular attention should be called to the work of some of these committees:

ARBITRATION COMMITTEE. The by-laws of the association provide that the committee shall

"act as arbitrators of disputes or differences between attorneys, or between client and attorney, relative to (a) professional conduct, (b) breach of the code of ethics, (c) the amount, division or payment of fees, to the end that such disputes may be arbitrated and settled without publicity and without recourse to the courts."

Our Arbitration Committee has been composed uniformly of a very high-grade personnel. To it, with the assurance of complete justice, lawyers may submit difficulties which come within its sphere. I recommend a greater use of the services of this committee by the members of the association.

The COMMITTEE ON LEGAL ETHICS is another to which the members of the association should feel free to turn whenever in doubt on ethical matters. Questions of ethics will receive their considered expression in all matters not covered by previous decisions. The publication of the decisions of the Ethics Committee has occupied the attention of your Board of Trustees for a number of years. A poll of the bar, however, discloses that there was not sufficient demand to cover the expense of printing.

Warren E. Libby, chairman of our COMMITTEE ON LEGISLATION, is more than deserving of special mention. For many years and at considerable loss to himself, he has represented this association by attending upon sessions of the Legislature, in furtherance of proposed changes in procedural statutes looking to the more expeditious administration of justice. Only those who are close to the situation can appreciate the extent of his service.



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OUR COMMITTEES ON PLEADING AND PRACTICE and on PROBATE LAW AND PROCEDURE have been active and have made some valuable contributions.

To William B. Himrod, chairman of the PROGRAM COMMITTEE, I desire to pay an especial tribute. There is probably no more difficult or trying position in our association than that of chairman of this particular committee. To him should go the credit to a great degree of the excellent programs to which the membership has been treated at our monthly dinner meetings. To the membership at large I would recommend greater attention to these meetings. The character of the speakers, the subjects presented, and the musical entertainment have been of a high order and most entertaining. This is one of our activities which is open to every member of the association and those who do not patronize them are suffering a great loss.

OUR COMMITTEE ON CIVIL SERVICE EXAMINERS annually give several days of its time to the conduct of examinations for appointment to the staffs of the District Attorney and County Counsel and in so doing is performing a great public service. I was privileged to sit with the Honorable Paul J. McCormick and Honorable Edwin F. Hahn during the course of the past year in giving the oral examination to applicants for the position of County Counsel. This was by appointment from the Board of Supervisors.

The GOLF COMMITTEE has been exceedingly active during the course of the past year in carrying on an activity instituted two years ago. The result of the contests during the current year will be evidenced by the presentation of trophies at the meeting of the association on February 23, 1939.

One of the most active committees of the Association has been that on JUVENILE COURT. Many hours have been spent by this committee in digesting and studying proposed amendments to the Juvenile Court law. In due course the recommendations of this committee, as approved by the Board of Trustees, will be given to the membership.

One of the most troublesome questions is that which is dealt with by our COMMITTEE ON LEGAL AID. It is to be sincerely hoped that further study and time will lead to a more scientific handling of this public problem. With the facilities and funds at hand, this committee has more than done its part in giving to indigent members of the public the necessary legal assistance in their trying problems.

There has but recently been instituted the SPEAKERS' COMMITTEE. It has long been felt that the bar should take a more active interest in civic affairs. This committee has been formed primarily as a speakers' bureau for the purpose of fulfilling requests from various organizations for speakers upon such matters as the bar is particularly qualified to fulfill. It is not a propaganda bureau in any sense of the word, but is designed to disseminate information. The plan calls for the furnishing of debating teams which will present both sides of questions in which the public may be interested. I feel that this committee, which has just now commenced its work, has great possibilities and will contribute immeasurably to the prestige of the profession.

To Kenneth Chantry and Robert E. Ford, the members of the JINKS COMMITTEE, and the cast, go my highest commendation and sincerest appreciation for the delightful entertainment which they provided on the occasion of our recent Christmas Jinks. In 1937 and 1938 over 600 members and their guests attended these Christmas celebrations. They mark the high spot in the social activities of the year. Every effort has been exerted to provide an occasion of fun and jollification at an expense within the reach of all.

Upon the various committees of the association there have served during the past year approximately 282 members. It was my earnest desire in appointing these committees to effect as much rotation as continuity in committee work would reasonably permit. To the continuance of this policy I commend my successors. The most frequent complaint received is that more members of the association are not given an opportunity to participate in its activities. This is a healthy sign and it is refreshing to have the members of our profession seeking the opportunity to serve it and, through it, the public. From this it is understandable how and why those who have been called upon to serve have done so with such marked enthusiasm.

BOARD OF TRUSTEES. Our association is composed of fifteen earnest, hard-working, sincere members, four of whom are drawn from affiliated associations. The board meets practically every Wednesday, with the exception of the vacation and holiday seasons. These meetings usually extend for a period of two hours, and cover a wide range of matters. All committee reports and recommendations are considered and passed upon by the Board of Trustees. All expenditures of the association first receive the attention of the Finance Committee and are then acted upon by the board. Each member of the board acts as a contact with one of the affiliated associations not having a representative on the board. Many special committees dealing with urgent and important matters are drawn from the membership of the board. It is no exaggeration to state that there is scarcely a time throughout the entire year when each member of the board is not serving upon some committee or giving special attention to some matter then pending before the board. These matters are mentioned thus briefly in order that the membership may have some conception of the amount of time and attention which the members of your Board of Trustees give to association matters. (I may add that they are not a bunch of "Yes" men.)

CONCLUSION

It would not be difficult to write many pages upon the activities and work of this association—but I must conclude.

I give my heartiest congratulations to the association upon the fine men selected as officers and trustees to conduct the affairs of the association during the coming year. You have my assurance that our affairs are in competent, energetic and well-guided hands. Of their work and decisions I know you will be proud. To them we owe the fullest support and the duty to answer every call. By so doing we shall add our individual effort in contributing to the prestige of our ancient and honorable profession.

Again may I express my appreciation, profound and sincere, to those who have contributed so greatly to the success of the past year—with what, I hope, is pardonable pride, I believe it has been a successful year. I am impressed with the conviction that the legal profession is now entering upon an era of growing prestige to itself. More frequently will come the call to the bar to provide the leadership which the times require. We have already gone far in setting our own house in order and in providing the machinery for fulfilling our destiny.

I cannot close without again expressing to my professional brothers and sisters my appreciation for the honor which was conferred upon me in permitting me to serve a term as President of this Association. The position is an active and arduous one, but the compensations in service are great and many.

Respectfully yours,

FRANK B. BELCHER,
President Los Angeles Bar Association.

NOTICE OF PROPOSED AMENDMENT OF SECTION 2, ARTICLE V OF THE CONSTITUTION OF THE LOS ANGELES BAR ASSOCIATION

To the Members of the Los Angeles Bar Association:

In accordance with Article XI of the Constitution of the Los Angeles Bar Association, which provides that amendments thereto may be made at any annual, monthly, or special meeting of the Association by a two-thirds vote of all members entitled to vote present at the meeting and voting, provided the proposed amendment, subscribed by ten members in good standing, is submitted at a previous meeting of the Association, and provided a copy of the amendment with notice of the time that it will be presented for adoption is mailed to all members of the Association entitled to vote at least five days before the date of said meeting;

NOTICE IS HEREBY GIVEN:

That there was presented to the January 26th, 1939, meeting of the Association an amendment to Section 2, Article V of the Constitution as set forth herewith and that in further compliance with Article XI of the Constitution you are hereby given notice that said proposed amendment to Section 2 of Article V of said Constitution as set forth below will be presented to the annual meeting of the Association which will be held on February 23, 1939, 6:30 P. M., at the University Club, 614 South Hope Street, Los Angeles, California, and that the sponsors of the amendment will move the adoption thereof at that time, said proposed amendment being as follows:

"PROPOSED AMENDMENT TO SECTION 2 OF ARTICLE V OF THE CONSTITUTION OF THE LOS ANGELES BAR ASSOCIATION

"The undersigned members of the Los Angeles Bar Association do hereby propose the following amendment to the Constitution of the Los Angeles Bar Association by substituting for *Section 2 of Article V* of said Constitution a new *Section 2*, reading as follows:

'Section 2. Board of Trustees. The Association shall have a Board of Trustees made up of the president, the senior vice-president, the junior vice-president and eight additional trustees elected from the active members of this Association; and if there be one or more affiliated associations, one additional trustee from each affiliated association, not to exceed four in all, and not more than one trustee to be elected from the membership of any one affiliated association. Any such trustee so elected from an affiliated association must be an affiliated member of this Association. The Board of Trustees shall at their first meeting after their installation appoint a secretary and a treasurer and such other officers as the By-Laws may require. These officers shall have such qualifications as the Board may from time to time determine and at the option of the Board, the office of treasurer and secretary may be held by one person.'

Dated: January 11th, 1939.

JULIUS V. PATROSSO
ISAAC PACT
JAMES E. PAWSON
I. BLAIR EVANS
FRANK M. MOODY
C. E. McDOWELL

R. B. BIDWELL
HERBERT FRESTON
A. W. ASHBURN
FRANK B. BELCHER
W. JOS. MCFARLAND
GEO. M. BRESLIN"

Respectfully submitted,
FRANK B. BELCHER, *President.*
GEORGE M. BRESLIN, *Secretary.*

JUNIOR BARRISTERS ELECT OFFICERS

THE annual election night dinner and meeting was held by the Junior Barristers on February 2, 1939, at the Alexandria Hotel.

The expected contests for the various offices did not materialize and each new officer was elected by unanimous vote of the members present.

The new officers are:

Thomas Davis, president;

Calvin Helgoe, first vice-president;

Maurice Hindin, second vice-president, and

Harold Schweitzer, secretary-treasurer.

Retiring president Joseph McFarland reported on the activities of his several committees and commended all of them upon their increased activity and solid accomplishment.

Allen W. Ashburn, president-elect of the Los Angeles Bar Association, in a brief informal talk urged cooperation with him in his plan to increase legal aid work and to reestablish an employment bureau for the younger lawyers.

The spontaneous response of the Junior Barristers was evidence of the large part they hope to take in this work.

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February 23, 1939

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as New Trustees

JUDICIAL CAMPAIGN SOLICITATIONS

RESOLUTION OF BOARD OF TRUSTEES LOS ANGELES BAR ASSOCIATION

WHEREAS, prior to each primary election of Judges for Superior Court and Municipal Court, members of this Association are directly or indirectly solicited for contributions to the campaign funds of candidates for election or re-election to judicial offices; and

WHEREAS, the giving of contributions constitutes in effect an endorsement of the person for whom such funds are solicited, but the refusal of such contributions is frequently embarrassing when other members of the Association are making similar contributions; and

WHEREAS, it is the desire of the Association that each plebiscite conducted by it among the members of the Bench and Bar of Los Angeles County shall reflect the unbiased and uninfluenced opinion of the members of the Bench and Bar in Los Angeles County as to the judicial qualifications of the various candidates considered in such plebiscite, and for that reason this Association has heretofore requested its members not to endorse candidates for judicial office prior to such plebiscite;

NOW, THEREFORE, BE IT RESOLVED; That members of this Association be, and they are hereby requested to refrain from making contributions to the campaign fund of any candidate for judicial office at primary elections, together with all other endorsements, until after the results of the plebiscite of the Los Angeles Bar Association as to such office have been published.

Adopted: May 11, 1938.

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BAR RADIO PROGRAMS IN 1938

DURING 1938 the Junior Barristers, under the Los Angeles Bar Association, Committee on Public Relations, conducted a series of radio programs on subjects of general interest to laymen. A report of the committee to the Board of Trustees for the year shows that 42 weekly talks were given, in fifteen two-minute periods over Station KFAC, the time being donated by the station. A wide variety of topics were discussed, among the speakers being several judges of the Superior Court. The programs were in the form of interviews, a member of the committee asking the questions and the answers being given by the speaker in a manner designed to inform laymen. Care was taken to see that no statement made could be construed as "advertising," even to the remotest degree, either of the profession or the individual speakers.

The committee's report states that many favorable comments on the programs have been received from listeners.

Those who appeared on one or more programs were: Robert N. Baker, Harold W. Schweitzer, Edward T. Dillon, Stuart H. Hacker, James C. Ingebretsen, George B. Gose, Philip M. Davis, A. Kely Quirk, Calvin L. Helgse, Arnold D. Alpert, Leslie Goddard, Spencer Olin, Victor Folsom, Jesse A. Hamilton, Martin Weil, Robert Ford, Robert Johnson, Hilton McCabe, Charles Crail, Jr., Jay J. Stein, W. Thomas Davis, Willard Stone, Hon. Thomas L. Ambrose, Hon. Benj. Scheinman, Harold Krowech, Hon. Ingall W. Bull, Hon. Leslie E. Still, Hon. Reuben Schmidt, Hon. Clement D. Nye, Charles H. Church, J. C. Macfarland, Stanley Jewell, Joe Wheeler, Hampton Hutton, John Ansen, Charles C. Stanley, Jr., Ralph Smith and Maurice Hindin.

Among the subjects discussed were: Labor Relations Act, Juvenile Crime Problem, Conflicts of Laws, Community Property, Taxation, Claims Against Municipalities, Beach Erosion, Legal Nuisances, Home Financing, Oil Leases, Development of the Jury System, Federal Financing, Beach Ownership and Its Legal Aspects, Landlord and Tenant, and Composition of the State Supreme Court.

The Junior Committee was composed of W. Thomas Davis, chairman; Sidney Cherniss, Hal Schweitzer and Carl Stutsman, Jr.

FORM OF BEQUEST

I give, devise and bequeath unto The Los Angeles Bar Association of Los Angeles, California_____

(Above insert the amount of money bequeathed, or a description either of specific personal property, or both, given, or if it be the residue of an estate, state that fact.)

BAR GOLF TOURNAMENT ENDS

THE January Golf Tournament of members of the Association was held at San Gabriel Country Club as guests of Richard Turner on January 20.

Low gross, won by Hiram E. Casey, 77; Floyd Sisk, 78; Clifford Argue 79.

Low net, and a leg on the Frank B. Belcher President's Cup, won by Maurice Rogers, 78, and 13 handicap; second low net, E. H. Conley; third, Aubrey Devine, followed by John Alvord, Richard Turner, P. N. McCloskey, Louis Lombardi, Sid Cherniss and Oscar Moss. The guests' prizes were won by Dick Turner, 74 for low gross and McDonald Scott, 79-15, low net of 64.

The win by Maurice Rogers throws the run off for the President's Trophy in an eight way tie between Leo Anderson, James Ingebretsen, Hiram E. Casey, Floyd Sisk, Richard Yeamans, B. L. Smith, Victor Showers and Maurice Rogers, which will be played off February 17 at Oakmont.

The race for low gross champion was fought out between Floyd Sisk and Cliff Argue. Trophies will be presented to the winners at the meeting of Association members on February 23. All golfers are urged to be present.

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EDITORIAL—

HUMAN OBSOLESCENCE AND
SUPERANNUATION

IT does not require a great deal of objective thinking to reach the logical conclusion that a very large percentage of our people expect the Government, federal, state and county, to support them permanently regardless of the economic consequences. Nor is it difficult to foresee that concessions to the ever-growing demand for "relief," and pensions will slowly but inevitably eat away the very foundations of our national economic structure. More than that; the steady, glacial erosion of individual independence and initiative is weakening those characteristics that made us a great democracy and now threatens to bring about dire changes of government.

It must be recognized that the problem is not temporary; that it is not due entirely to "depressions" or "recessions," but is definitely a permanent one; that its solution demands the best collective thinking and planning of all who would discard political considerations.

Obviously, we cannot long continue over the paths of least resistance by giving way to pressure groups, but must blaze new and rougher roads to a sane solution. Great fundamental changes in our social and industrial standards are moving with relentless force to increase rather than decrease the number of persons whose demands or necessities must be considered among many factors, are these: Medical science has prolonged life's expectancy far beyond that of any time in recorded history, and technological advances are displacing an ever-growing army of workers. Thus we have the new problem of human obsolescence, added to the old familiar problems of superannuation, that are little less than appalling.

How long this situation can endure without a serious breakdown in our social and economic structures is the question facing every one of us, and demanding an intelligent answer.

Articles Wanted!

The Bulletin Committee invites members to offer suggestions, and make criticisms, for the betterment of your monthly publication. Most of all we want contributions of articles by members on subjects of interest and assistance to others in practice. Every lawyer is capable of writing articles on some technical subject, arising out of his own practice experience. Won't you submit such material to the Committee? Send communications to the Bar Association office, 1124 Rowan Bldg.

The Bulletin Committee.

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THE JUDICIARY IN BRITAIN APPOINTMENT, LIFE TENURE, COMPENSATION:

In a letter of absorbing interest to American judges and lawyers, Florence M. Guedalla, one of the ablest of the older Solicitors practicing in London, discusses so vividly the Judiciary of England, the method of selection and appointment of judges, their salaries, and the advantages of life tenure, that THE BULLETIN has obtained permission to print parts of it. The letter was addressed to a prominent member of the Los Angeles Bar who has long interested himself in favor of providing a tenure of office and remuneration for judges consistent with their great responsibilities. Mr. Guedalla's writing possesses a distinctive literary character. In a later issue THE BULLETIN will print his interesting comments on the everyday functions and activities of Barristers and Solicitors.

AS I have already written to you, Parliament limits the number of our judges. In the House of Lords besides the Lord Chancellor and the Ex-Lords Chancellor there are seven Lords of Appeal, but they also have to deal with all appeals from Scotland and Northern Ireland as well as from England and Wales. The salary of a Lord of Appeal is £6000 a year, but he also sits without extra remuneration in the Judicial Committee of the Privy Council which deals with appeals from the rest of the British Empire and also has a special jurisdiction with which I need not trouble you, including ecclesiastical matters and Courts of Vice-Admiralty, Prize Law, and special Court for India—that part which does not form part of the British Empire. The Judicial Committee can only consist of persons of high judicial rank and some of our ablest Judges who are retired and are living on their pensions get called to the Privy Council as well as the Chief Justices from the British Dominions and India and so forth.

The Lord Chancellor, amongst his many duties, constitutes each of these Courts from day to day and week to week when they are sitting. There are times in the year, for instance, when three Courts of the Judicial Committee of the Privy Council may be sitting. There may be a heavy list of appeals from India, Australia, New Zealand and Canada, or our Colonies, and according to English ideas they must be disposed of as quickly as possible.

Bagehot in his great work on the British Constitution stated, and stated truly, that except for the King the Judicial Committee of the Privy Council was the sole link of our empire.

Can you imagine the varied systems of law with which this Committee has to deal? Some appeal on Hindu customs where everything is in the Hindu language and has to be translated, too, is under review, to govern hundred million and more people; some appeal governs our vast Mohammedan population; some appeal from Quebec which has to be tried on antiquated French Canadian law; some appeal from South Africa which has to be tried on Dutch Roman Law; some appeal from a colony formerly Spanish which has to be tried on Spanish Law; some appeal from Jamaica or the Malay Straits.

In the Court of Appeal at present, as I have stated to you, there is the Master of the Rolls, who gets £6,000 a year. At present there are five Lord Justices of Appeal, and for trials (not interlocutory) the Court of Appeal consists of three. Each Lord Justice and Judge that I am now going to talk about has various appendages beyond his salary. He is usually allowed a secretary at £500 a year and he usually appoints either somebody in his Chambers who has not been doing too well or a Barrister who is a relative of his. He is also allowed about the same sum of money for his clerk. Some clerks, when their employers go to the Bench, remain in Chambers with other Barristers, but others, as you can understand, like to follow their old master, especially as they know that if anything happened to him there is a pension at the end of it all, if the clerk is thus forced to retire.

When a King's Bench Judge goes on Assize he has to have a Marshal for his Court, who is not necessarily a Barrister (but in most cases is). There is a chance there of some further patronage. The Justice of First Instance gets £5,000 a year. A Judge who has served 15 years is entitled to retire on the retired pension of £3,750 a year for the rest of his life, but when a Judge has performed notable services but is too unwell to sit day after day as a Judge and wishes to retire, Parliament almost invariably votes him the said pension for the rest of his life. A Judge who retires but is able to work from time to time usually does continue some public form of work. He is sometimes summoned to form part of the Court of the Judicial Committee of the Privy

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Council. Parliament is constantly appointing Commissions of Enquiry or Committees to take evidence in certain matters and it is a frequent practice to ask a former Judge to preside at these Commissions, if they are to be conducted in a judicial spirit. Parliament often asks the Lord Chancellor whether one of the Judges in active service could be spared for two or three months for such a purpose. Of course, these Judges get no extra remuneration for that work. But as they are busy, a retired Judge usually presides over a commission which should be impartial and judicial in its investigations and reports.

Perhaps I ought to add, but I think I have made clear to you, that the Lord Chancellor selects and appoints the entire judiciary whether the Judge be a Lord of Appeal or member of the Court of Appeal or a member of the Court of First Instance. He appoints to a vacancy amongst County Court Judges (inferior Courts). I have no doubt in special cases that the Lord Chancellor might confer with the Prime Minister but I cannot imagine the Prime Minister making any suggestion to the Lord Chancellor but, in a proper case, I think that the Lord Chancellor would have some confidential talk with the Prime Minister. For instance, it often happens that the King's Counsel who might be selected to be a Judge is a Member of Parliament for a Constituency where he has only a very small majority and it might be apprehended that if he was appointed to any of these high offices there would at once be a Parliamentary vacancy and the Government of the day would be beaten. As the Lord Chancellor is a Member of the Cabinet he would hardly have to be told the facts by the Prime Minister.

If the Lord Chancellor made up his mind that a certain man should be a Judge and if he knew that that man also wanted to be a Judge, and that the whole of the Bar and all the solicitors would be delighted at seeing the man a Judge, I could conceive the position when the Lord Chancellor might persuade the man to retire from Parliament when he would at once appoint him Judge, and despite what would happen in the Constituency. I could also conceive the position when the Prime Minister might tell the Lord Chancellor that he would take the deepest offence if the risk of a Parliamentary vacancy was created especially at a time of some National crisis. I do not call this interference with the Lord Chancellor; it would be done very delicately. The Lord Chancellor would sometimes, if rarely, have to divest himself of his judicial position and consider matters purely from a political standpoint.

There is a story about Mr. Baldwin, with regard to a certain prominent Chancery King's Counsel, that as they were at Harrow together and had been great friends ever since, although the Barrister was never in Parliament, Mr. Baldwin pressed on the Lord Chancellor to appoint him a Judge, when there were other King's Counsel who the Chancellor probably considered might have been selected ahead. I do not believe a word of the story. The Lord Chancellor, of course, must have been aware that Mr. Baldwin and this King's Counsel were very friendly. Also the Lord Chancellor would have known this particular Counsel was a very learned and able lawyer; that he took no part in politics and was not a Member of Parliament. Immediately the selection was made everybody agreed that it was a good selection, even if some other man may have been passed over. This particular Judge was shortly afterwards made a Lord Justice for Appeal and finally was made a Lord of Appeal, but, unfortunately, he shortly afterwards died, but he proved a most learned Judge. I am afraid some Lord Chancellors have made wrong selections. In former days they undoubtedly often selected friends or relatives. It was said of Lord Halsbury, who was Lord Chancellor for so many years, that he selected members of his family or particular friends for all kinds of judicial appointments. I am not sure that he selected them as Judges but lower appointments, although it

has been said that on the whole his patronage was quite good. But nowadays the Lord Chancellor is very careful about his selections and it has gone out of fashion to nominate a prominent Member of Parliament to be a Judge unless he is a first-class and busy lawyer. One of the most glaring examples was when Lord Halsbury made Mr. Darling, Q. C., a Judge. Mr. Darling had made his name in winning an unexpected election. He was not much employed at the Bar; also he was rather young for a judicial preferment, yet what a great Judge Lord Darling was destined to become. It is quite conceivable that Lord Halsbury foresaw all this, when he was making the appointment.

His was a case where a person is a very learned and able lawyer and yet has not attracted the attention of solicitors or the public, while he struggled to practice at the Bar.

COURT OF APPEAL

With regard to the Court of Appeal there is a clamour now to appoint Lord Justices. The work they have been given has been increasingly heavy in the last few years and they often have to break up into three Courts and call in the assistance of Judges of First Instance to make a Court of three Judges. This incommodes the work of the Courts of First Instance.

The Court of Appeal likes to dispose of every appeal within six or eight weeks of its being set down and, indeed, with regard to appeals on Interlocutory matters, where only two Appeal Judges need sit, we get very impatient if the Court of Appeal is not ready to deal with the appeal on motion within a week or 10 days of its being set down.

The Court of Appeal is at present very up to the mark not only on Appeals from the High Court of Justice but all the County Courts all over England and Wales.

In the Chancery Division a case ought to come on for hearing within six or seven weeks from its being set down. There are six Judges in the Chancery Division, each getting £5,000 a year and the other appendages. It has sometimes happened that Lords of Appeal, if not too heavily engaged, who have been Chancery Judges, come back and help the Chancery Court. It often happens if the Lord Chancellor has been a Chancery Judge he does the same. At present, I am afraid at least three Chancery Judges are constantly being asked to make up as Members of the Court of Appeal, and yet Chancery is getting through its work very speedily.

KING'S BENCH DIVISION

With regard to the King's Bench Division there are, I think, some 17 Judges and also the Lord Chief Justice, who is the head of that Division.

A year or two back they were well up with their work, but I am afraid so much extra work is recently imposed on them that it may take quite six months before a case that is set down for trial gets disposed of, unless it is of an urgent character.

The Lord Chief Justice has to distribute the work of the Division. Most Mondays he and a couple of Judges have to sit in the Court of Criminal Appeal. The next day they often have to try Crown cases or special cases which have to go to a formal Divisional Court. Many of the Judges, including the Lord Chief Justice, have to go throughout the country on Assize. Assize work has been much increased because it has been decided that poor persons and undefended local divorces can and shall be disposed of on Assize instead of having to come to London, so that the Assize Judge not only has his

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normal criminal list and his normal local civil list, because local people often find it more convenient and economical to fight a case locally than having to come to London. In fact it is cheaper to take a prominent London Barrister down to Liverpool, for instance, than for the parties to come to London, together with a long list of witnesses, especially if one is not sure which exact day the case is going to begin. So this method keeps Judges longer on Assize.

Nor, with all the pomp and circumstances of going on Assize, does a Judge like to be so long away from his London home. The work which he has to do after Court is enormous and often the Court on Assize sits to a very late hour, beginning, say 9:30 or 10 a. m. and subject to short adjournments for meals, may go on to 10 or 11 p. m. At first a Judge likes the pomp and circumstances. When on Assize he ranks immediately after the King and ahead of everybody else in the land, be it Cabinet Minister, Archbishop or Duke. I often tell a story of Mr. Justice Stephen of Liverpool when the latest Cunarder was about to sail for America and the Prince of Wales then, afterwards to be King Edward VII, came down for the ceremony, the great Lords of Lancashire and Members of Parliament and merchants and the Lord Mayor of Liverpool and so forth were all at the quayside and the Lord Mayor was seeking to usher the Prince of Wales to go first up the gangplank, when the Prince turned round and said to the Lord Mayor: "Don't you see my mother's Judge here; he takes precedence of me, and must go first?" A Judge on Assize is the Crown administering justice and this has been recognized since Plantagenet days; "Curia" is translated by Court, and is the Sovereign's Court, where the Sovereign administers justice. When Judges go on Assize they are met by all the local dignitaries and troops and so forth; but they soon get tired of all this pomp and circumstance which they know attaches to the office and not to the man.

The Lord Chief Justice has to arrange all the work of the King's Bench Division, including the rotation of the Judges on Assize and at the Central Criminal Court in London. Judges successively sit in Chambers dealing with dull Interlocutory work; they also take the cases in the Commercial Court, where Barristers earn their largest fees, the cases being usually for large amounts, and the legal issues being complicated. The Chief Justice fixes which Judges and when take non-jury cases and special jury cases and which take common jury cases. A whole row of officials have constantly to advise the Lord Chief Justice about the estimated time the cases will last. The officials are very clever at guessing, because they know that about 50 per cent of the cases in the List will be compromised before trial and that many cases take much shorter than anticipated. On the other hand there are the cases which take much longer than anticipated.

As you can imagine the Lord Chief Justice is very reluctant to spare one of his Judges for a Parliamentary Commission. There is always a clamour that more Judges should be added; but there is reluctance about the expense of keeping even one Judge idle for a single day.

One thinks of our Judges as only sitting in the High Court of Justice from 10:30 a. m. to 4 p. m. with one-half hour interval for lunch. Most of our Judges are very serious about their judicial duties and take the papers in the pending cases to their rooms and thoroughly study them and often out of their law libraries find decisions in Reports to which Counsel may not have referred them. The general public wonder how immediately after the last Counsel sits down in a case, our Judges, viva voce, and almost without notes, sums up with great accuracy the evidence of both sides. So far as notes have been taken they usually con-

sist of the exact words used by a particular witness and then, if there be much law to be applied, as well as difficult facts to be adjudicated, it is remarkable how the Judges deal at once in final judgment with the legal points involved.

If you look through our reports you will find very seldom the phrase "*curia advisare vult*," which means the Court is adjourned for consideration. Even then, Judgment is not always a written one. Most times it is a *viva voce* one, and delivered in the next few days.

Mr. Justice McCardie, being a bachelor, used to stop down in the Temple working in his Chambers or the Temple library often till 11 p. m. and midnight.

Lord Hanworth, the late Master of the Rolls, used to tell me that not only he stopped to a late hour after Court rose, but that it was his custom to come down to his library behind the Courts every Saturday and work there Saturday morning and Saturday afternoon. And most Judges work on their papers for a few hours on Sunday.

The general public have no knowledge how great is the desire of our Judges to do justice to everyone, however humble. Judges recognize that a particular client may not have been assisted all possible owing to the absence of the great Counsel engaged, or possibly because the lay client could only afford to employ some inexperienced Junior.

PROBATE, DIVORCE AND ADMIRALTY DIVISION

Then there are the Judges of the Probate, Divorce and Admiralty Division. Curiously enough these three very different subjects are dealt with by the same Judges. There is a President of this Division; in recent years there were only two extra Judges, but last Christmas Parliament added two more Judges, especially for Divorce purposes owing to the enlargement of our divorce law by last year's Statute. The president gets £6,000 a year; each of the other Judges like the Judges of the King's Bench and Chancery Divisions get £5,000 a year and also the special appendages.

I am not dealing with numerous other judicial appointments such as connected with Patents and certain Crown matters or Bankruptcy or Railway and Canal Commission, Land Values, etc.

There are three Official Referees appointed in the High Court to relieve the Judges of cases full of detail, such as a dispute with builders.

There are Boards of Referees under Finance Acts or special Tribunals to deal with Coal Mines.

I, for instance, know nothing about the work of Pensions Appeals Tribunals.

I do not say that in many of these extra matters the Lord Chancellor has much to do, but with regard to most of these tribunals he has to exercise a great deal of patronage. Much of it, no doubt, is done for him by the Clerk of the Crown at the Crown Office. For many years this gentleman has been Sir Claud Schuster, an official much overworked, as he is also attached to the office of the Lord Chancellor, who incidentally considers alterations in the practice and procedure of all our various Courts. The Lord Chancellor consults Sir Claud Schuster, the Judges and Leading Counsel and Solicitors before making the changes.

THE LORD CHANCELLOR

The Lord Chancellor is not always able to preside over Appeals in the House of Lords. He is a Member of the Cabinet; the Cabinet, of course, often has lengthy meetings before the House of Commons Assemblies of an afternoon and expects the Lord Chancellor to attend to his Government work in priority to his work as Supreme Judge presiding in the House of Lords.

As Lord Chancellor of England he has to advise the Government on all kinds of legal matters and especially on International Law and Treaties. Just imagine, when the new laws which are being introduced by every Government, apart from the predeliction of a Lord Chancellor for a particular change or against it, on his responsibility he (together with the Attorney-General and Solicitor-General or apart from them) has to tell his colleagues in the Cabinet what he thinks to be the existing law of England.

You can imagine how heavy the work is when he has to deal with the law of a British Dominion, for instance, a new Constitution for Australia, New Zealand, South Africa or India or the revision of Colonial laws. He usually has been an Attorney-General and has learned a good deal about these matters in the course of his political career and no doubt the Attorney-General of the day, as well as the Foreign Secretary and Prime Minister must constantly be seeking his views as to the law. And, on top of it all, if, as so often happens, he is a popular orator, you can depend upon it that all kinds of distinguished Societies would like to see him present at their banquets and make a speech afterwards. He certainly is expected to speak at University gatherings and in between whiles he must address political gatherings. As regards the selections of the Judges, King's Counsel and other persons he no doubt has frequent conferences with the Lord Chief Justice and various Judges.

Two-thirds of Ireland became, 16 years ago, the Irish Free State, and is now known as Eire. It was said that there were only two offices in England which could not be held by a Roman Catholic, or indeed by a Jew. The officials were the Viceroy of Ireland (until 1922), and the Lord High Chancellor. Mr. Chamberlain, at present, as Prime Minister, is a Unitarian and not a Member of the Church of England, but as regards the Lord Chancellor he is Keeper of the King's Conscience; in other words, it is his duty to see that the Kings of England are really Protestants and members of the Church of England. No Bishop can get nominated who has not first had the approval of the Lord Chancellor.

I can tell you it is a pretty big task to know which members of the Clergy among the vicars, rectors, canons or deans should be promoted to be Bishops and later on Archbishops.

I do not think I have at all exhausted the work and duties of the Lord Chancellor but I do think this, that whatever his political colour may be, all unite in knowing that he is discharging his duties as he best knows how, and as one of the best known Judges I do not think he often makes a mistake in his patronage. If he is in the majority of the Lords, as almost invariably happens, his judicial decision in an Appeal to the House of Lords is final, and the principles laid down in their "speeches," as their judgments must be, can only be altered by a subsequent Act of Parliament.

SALARIES OF JUDGES

£5,000 was the salary of a Judge in the 18th Century. There was no Income Tax then and money went much further in the purchase of necessities than nowadays. Most of the Judges came from great families and so were already well to do and even rich.

In my time such also has been the case. Mr. Justice Phillimore, the great ecclesiastical jurist, was supposed to have at least £40,000 a year from certain properties in London. One of the Lords of Appeal, was always supposed, even when I first knew him as a Junior at the Bar, to have had a private income of over £30,000 a year from his family's distillery and he supplemented it by making another £20,000 a year. He was a bachelor; no wonder he did not object to becoming a Judge at £5,000 a year, and later a Lord Justice of Appeal and Lord of Appeal at £6,000. When he became a Judge, he was terribly overworked as a Queen's Counsel. He is exceptionally learned.

Then among the latest additions to the Chancery Bench, it is said that the Judge's share in his family's brewery is at least £30,000 a year and that he also made a similar income at the Bar and that he had two or three times refused to become a Judge. He was much in demand as Counsel. If one refuses more than two or three times, a Lord Chancellor is not likely to ask you again to become a Judge. There is some idea prevalent at the Bar that if the Lord Chancellor persists two or three times in asking Counsel to become a Judge, then he should make the necessary monetary or other sacrifices.

It is said of Sir Thomas Inskip, that, as Attorney-General, he was making his £20,000 and more a year and has become an ordinary Cabinet Minister at £5,000 a year. It is "comme il faut" in this country, however large your income, that if you have the requisite ability Counsel should accept these great judicial or Government Offices and do his duty by his country, even at great monetary loss. It is said of Cabinet Ministers that they emerge from office much poorer than when they entered it. This is equally true of our Judges. When Judges have paid their Income Tax which is deducted at source, and accounted for Sur-Tax only in respect of their salary, the net result would be £3,250 a year. When he is appointed, a Judge has probably a nice London house or flat and a country house and has a car. His wife expects a certain amount of luxury and he probably has sons and daughters who may be at expensive schools or even going to Universities. Unless he made some savings I cannot see how he could exist in his high position.

When the Lord Chancellor has appointed a Judge, he is at once sworn in with great ceremony at the Law Courts and a few days later he must go to Buckingham Palace to be knighted by the King, unless as often happens, he is already a Knight, Baronet or Peer.

In the nineties of last century there was a very eminent lawyer made a Judge who did not see why, as he was a bachelor, he should also be a Knight. There was quite a commotion. They did not know what to do about the situation and Dr. Benjamin Jowett, the great Master of Balliol College, who had been this Counsel's tutor at college, hurried up to town and persuaded him to do what was customary, namely, be Knighted. Since then, no Judge has questioned that.

[NOTE: In a second installment, Mr. Guerdalla paints a picture of the Bar of England.]

COUNTY LAW LIBRARIES REPORT OF BAR COMMITTEE

MR. FRANK BELCHER,

President of the Los Angeles Bar Association

The Committee of the Los Angeles Bar Association for Law Libraries, appointed by you, herewith submits its report.

Your Committee has investigated not only the library in Los Angeles, but also the various branches.

In connection with the branches, the Long Beach Branch is used considerably; being located in the Jergins Trust Building wherein the Courts are situated, it affords conveniences not only to the lawyer tenants of that building, but also to lawyers engaged in trial. It is also patronized by students who have requested more text books. This same condition obtains with respect to the Pasadena Branch, as reported by Mr. Burdette J. Daniels of this Committee, who adds that the Law Reviews of the University of California and the University of Southern California Law Schools would also be useful in Pasadena.

The late Mr. T. W. Robinson was consulted by your Committee and he stated that the library, according to his policy, was for the bench and bar and not for students; that while students were welcome to its use, text books and law reviews were not to be added for their primary benefit. I believe the Committee concurs in this policy.

Mr. Daniels further suggests that members of the Law Library be permitted to take books out of branch libraries; this of course is permitted at the main library.

The Committee otherwise approves the operation of branch libraries.

Referring to the library in the Hall of Records, your Committee recommends the following:

1. More study tables on the seventh floor. This can be accomplished by removal of certain stacks of more or less obsolete texts on the east wall, so that perhaps three tables may be added.

2. Better lighting at study tables.

3. Improved system of calling to the telephone attorneys who may be studying in the library. Perhaps some loud speaking device might be installed at small expense.

4. With reference to the library space on the fourth floor of the Hall of Records, many books are stored along the walls and some books could be discarded entirely.

The Committee recommends storage of this surplus in attic or basement; removal of some northerly stacks, and construction of two, possibly three dictation rooms out of rooms now used for storage; also additional study tables in the north wing.

Your Committee suggests the following possibilities:

5. Possibility of installing a branch library in the new Federal Building.

6. Possibility of installing a branch near Sixth and Spring streets in the vicinity of the majority of the law offices.

Items 5 and 6 are suggestions and not recommendations.

Respectfully submitted,

(Signed) GLEN E. HUNTSBERGER, Chairman

JOHN A. POWELL

OLIVER O. CLARK

EDWARD WINTERER

BURDETTE J. DANIELS

ZACH LAMAR COBB

IRA C. POWERS.

REPORT OF BAR COMMITTEE ON CIVIL SERVICE EXAMINATIONS

TO THE BOARD OF TRUSTEES OF THE
LOS ANGELES BAR ASSOCIATION:

As Chairman of the Los Angeles Bar Association Committee on Civil Service Examinations for the year 1938, I wish to report that on the request of the County Civil Service Department, Mr. Paul Vallee, Mr. Mark L. Herron, Mr. Ivan G. McDaniel and myself conducted two oral examinations for several ranks of Deputy District Attorneys in the County of Los Angeles, one in the month of January, 1938, and the other in the month of August, 1938. In the examination in January there were seventeen applicants. This was a promotional examination in the office. In the August examination there were nineteen applicants. This was for a beginners class.

In addition to these examinations, at the request of the Civil Service Board, we likewise gave a Civil Service examination for Deputy Public Defender, for which there were thirty-eight applicants. This examination likewise occurred in August, 1938.

The Civil Service Commission and Mr. Earle, the examiner, appeared to be well satisfied with the work of your committee, and I feel confident that I can say on our behalf that the services rendered were satisfactory, as at least we have had no repercussions that I have been advised of.

I wish to state that Mr. Vallee, Mr. Herron and Mr. McDaniel have always been ready and willing to give of their time and services whenever called upon. Several of these examinations were given during the day time and lasted for several days and, as a result, it required the sacrifice of some valuable time for these gentlemen, but they never complained.

I wish to assure you that it has been a pleasure and an honor for me to act as chairman of this committee, and particularly in view of the opportunity to serve with men of such high caliber as those who served on the committee with me.

Very truly yours,

JERRY GIESLER, Chairman.

CONFERENCE COMMITTEE ON ADJUSTERS OF A. B. A. ISSUES STATEMENT

THE Conference Committee on Adjusters which met at Chicago in January, 1939, besides considering other subjects, adopted and issued the following statement:

On July 24, 1938, at the Annual Convention of the American Bar Association, an agreement was entered into reading, in part, as follows: "As a result of a thorough study of the relationship between the fields of the adjustment of claims and of the practice of law, it has been unanimously agreed between the American Bar Association Committee on the Unauthorized Practice of Law and the Committee on Lay Adjusters of the Insurance Section of said Association, in conference with a special committee representing all types of insurance interests—life, fire, marine and casualty that laymen have a proper place in the adjustment of claims. There is hereby established a joint Committee composed of ten members, five of whom shall be representatives of the American Bar Association, and five who shall be representatives of the above designated insurance interests, to which complaints concerning insurance adjusters or attorneys handling insurance claims may be referred. Such committee shall be known as the Conference Committee on Adjusters. The Conference Committee, or a subcommittee thereof, shall investigate such complaints and recommend or take such action as is necessary to correct practices deemed contrary to the public interests."

The Conference Committee on Adjusters, as formed under the above agreement, having considered the business of adjusting insurance claims in its relation to the policyholder, the claimants, and the practice of law, has adopted the following statement of the matters with which it has thus far dealt, which it believes presents a correct description of certain of the rights of the interested parties and the general public.

The insurance business operates under sanction of law for the protection of its policyholders and the public. The terms of insurance policies are nearly all upon standard forms adopted or approved by state authorities in the interest of the public.

The Committee believes that anyone who has, or thinks he has, a claim against a company is entitled at all times to courteous, fair and just treatment from the representatives of that company. A claimant is entitled to an investigation of his claim and a reasonably prompt statement of the company's position with reference to it.

The Committee recognizes that while the companies have a definite obligation to pay all just claims and to avoid unnecessary litigation, they have an equally definite obligation to protect the insurance buying public from increased costs due to fraudulent or non-meritorious claims.

1. Claims under insurance policies, for the purpose of this statement, are divided into two classes:

First—A claim in contract by a policyholder or beneficiary directly against the insurance company which issued the contract.

Second—A claim of a third person in tort against the holder of a policy of liability insurance.

2. In the first class the claimant and the insurance company each has the right to discuss the merit of the claim with the other, and to settle it.

3. In the second class, under a policy by which the company insures the liability of the policyholder, it is recognized that the company has a direct financial interest in the claim presented against the policyholder, and in a suit in which the name of the company may not appear as a party litigant, but which the company is obliged to defend in the name of the policyholder. Therefore, the company has a right,

(a) To discuss with the policyholder or the claimant the merit of the claim, and to settle it.

(b) To investigate the facts, interview witnesses, appraise damages, consider and determine the liability of the insurance company and its policyholder in the factual circumstances.

4. In handling claims under the second class.

(a) The companies or their representatives will not advise the claimant as to his legal rights.

(b) The companies and their representatives, including attorneys, will inform the policyholder of the progress of any suit against the policyholder and its probable results. If any diversion of interest shall appear between the policyholder and the company, the policyholder shall be fully advised of the situation and invited to retain his own counsel. Without limiting the general application of the foregoing, it is contemplated that this will be done in any case in which it appears probable that an amount in excess of the limit of the policy is involved, or in any case which the company is defending under a reservation of rights, or in any case in which the prosecution of a counterclaim appears advantageous to the policyholder.

5. Under both classes of claims:

(a) The companies will not deal directly with any claimant represented by an attorney without the consent of the attorney.

(b) The companies may properly interview any witnesses, or prospective witnesses, without the consent of opposing counsel or party. In doing so, however, the company representative will scrupulously avoid any suggestion calculated to induce the witnesses to suppress or deviate from the truth, or in any degree affect their free or untrammelled conduct when appearing at the trial or on the witness stand. If any witness so requests, at the time of making any written statement, or within a reasonable time thereafter, he will be given a copy of such statement.

(c) The companies or their representatives will not advise claimant to refrain from seeking legal advice, or against the retention of counsel to protect his interest.

(d) The companies will respect the disabilities of minors and incompetents, and agree that no settlement of a cause of action of an infant or an incompetent shall be presented to a court for approval, except under provision for an investigation of the propriety of the settlement either by the court or by counsel independent of the defendant.

(e) The companies will not permit their employees—whether laymen or lawyers—to collect for agents or policyholders claims or accounts in which the company has no interest.

(f) The companies recognize that the Canons of Ethics of the American Bar Association apply to all branches of the legal profession, and that specialists in particular branches of the legal profession, and that specialists in particular branches are not to be considered as exempt from the application of those Canons.

(g) Lay adjusters will only be permitted to fill in blanks of release forms previously drafted by counsel, and they will be forbidden to draft special releases called for by the unusual circumstances of any settlement. All such special releases shall be prepared by counsel.

(h) The companies will undertake to be responsible for the conduct of their employees in observing and executing the foregoing principles, and will endeavor to see that their representatives, other than employees, do likewise.

6. The members of the conference Committee on Adjusters will report the above statement to their respective organizations and recommend its adoption.

7. The Conference Committee will continue to meet for the further consideration of the foregoing matters, and of the problems not dealt with in this statement, and the Committee expresses the hope that all complaints of the conduct of lawyers or insurance companies in connection with claims under insurance policies may be referred to the Committee for its consideration.

PUBLIC LIBRARY LECTURES

CHAIRMAN DAVID TANNENBAUM of the committee sponsoring lectures to be given in the Los Angeles Public Library, announces the following programs:

February 8—Frederick E. Hines. Subject: "Income, Gift, and Death Taxes."

March 8—Reuben G. Hunt. Subject: "Bankruptcy Law."

March 22—Walter L. Nossaman, Trust Counsel Security-First National Bank. Subject: "Wills and Trusts."

April 12—Melvin B. Ogden, Counsel Title Insurance & Trust Company. Subject: "Real Estate Law."

April 26—Louis E. Swarts. Subject: "Author's Rights."

HELP! IF IN NEED CALL ASSOCIATION OFFICE

Applications for employment as associate lawyers, law clerks, secretaries and stenographers are always on file at the office of the Association. Members are urged to make use of this service. They may do so by examining the applications on file or by advising the office of their needs. Telephone TUCKER 8118.

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